

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
ERIE DIVISION

ROWENA WAGNER, :
Plaintiff, :
-VS- : CIVIL ACTION NO. 04-262 Erie
CRAWFORD CENTRAL SCHOOL :
DISTRICT, et al, :
Defendants, :

Deposition of **GEORGE WRIGHT**, taken before and
by Denice A. Grill, RMR, Notary Public in and for
the Commonwealth of Pennsylvania, on Tuesday,
September 6, 2005, at the Crawford Central School
District, 11280 Mercer Pike, Meadville, PA, 16335,
commencing at 1:05 p.m. and concluding at 3:00 p.m.

For the Plaintiff:
Caleb Nichols, Esquire
P.O. Box 1585
Erie, Pennsylvania 16507

For the Crawford County School District:
Mark Kuhar, Esquire
Knox, McLaughlin, Gornall & Sennett
120 W. 10th Street
Erie, PA 16501

For Crawford Central Education Association/PSEA:
Shannon Wagner, Esquire
10 South 19th Street
Pittsburgh, PA 15203

Also Present: Bernard Wagner & Charles Heller

REPORTED BY: DENICE A. GRILL, RMR
FERGUSON & HOLDNACK REPORTING, INC.

I N D E X

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I N D E X

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P R O C E E D I N G S

MR. NICHOLS: Is everybody ready? Mark?

MR. KUHAR: We are.

MR. NICHOLS: Are you ready, Ms. Wagner?

MS. WAGNER: Yes.

MR. NICHOLS: All right. Mr. --

THE WITNESS: Wright.

MR. NICHOLS: Mr. Wright, are you ready?

THE WITNESS: Yes.

MR. NICHOLS: Okay, Miss Grill, would you
swear the witness in, please?

GEORGE WRIGHT, having been
first duly sworn, was examined and
testified as follows:

CROSS-EXAMINATION

BY MR. NICHOLS:

Q. Ladies and gentlemen, my name is Caleb Nichols.
I am representing the plaintiff in this proceeding, Miss
Rowena Wagner, in this lawsuit which is styled Wagner
versus Crawford Central School District, et al. This
lawsuit is presently pending in the United States District

1 Court for the Western District Of Pennsylvania; Erie,
2 Pennsylvania.

3 I would like to remind the witness, you have just
4 recently taken the oath and, of course, that carries with
5 it the obligation to speak the truth and nothing but the
6 truth.

7 I would ask you also, Mr. Wright, that you verbalize
8 or state all your answers because of the need for the
9 court reporter to be able to take down an accurate,
10 intelligible record.

11 It is also important that you speak as clearly and
12 specifically as possible to the question that I will pose
13 to you. If you need to take a break at any time, let me
14 know, and I will ask the court reporter to go off the
15 record and we will oblige you in terms of your need to
16 take a break.

17 The purpose of today's deposition is to obtain a
18 truthful and accurate and complete information as you can
19 give in response to the question that I've asked -- I will
20 ask you.

21 Okay, your attorney, Mr. Kuhar, may make objections
22 to some of the questions that I pose. And if your counsel
23 should object, you will still need to answer the question
24 unless he insists and instructs you not to answer.

25 Do you have any questions, with respect to what I've

1 said so far?

2 A. No.

3 MR. NICHOLS: Okay, you are appearing here
4 today pursuant to a subpoena issued by me on behalf
5 of the plaintiff, Miss Wagner, and I would ask that
6 the court reporter mark this (indicating) and
7 include in the record as Exhibit 1.

8 The record should reflect that I have provided
9 opposition counsel, Mr. Kuhar and Miss Wagner, who
10 represents the Crawford Central Educational
11 Association, the union, with copies of all the
12 documents which I intend to ask to be submitted --
13 to be marked and identified and to be included in
14 the record today.

15 (At which time, Plaintiff's
16 Exhibit No. 1, was marked for
purposes of identification.)

17 BY MR. NICHOLS:

18 Q. Mr. Wright, if there are any questions that I
19 propose that you don't understand, please, stop and ask me
20 to rephrase it, the question, and I'll try to do so to
21 make it as clear as possible, to remove any ambiguity to
22 which you might find. All right?

23 A. Right.

24 Q. Okay. Do you have any questions, Mr. Wright,
25 before we proceed with the questions?

1 A. None.

2 Q. Okay. Please, state your name, your full name
3 for the record, please?

4 A. George F. Wright.

5 Q. And your address, Mr. Wright?

6 A. [REDACTED]

7 [REDACTED]

8 Q. And your birth date?

9 A. 12-1-31.

10 Q. And your current employer?

11 A. I am retired.

12 Q. Where were you previously employed?

13 A. I was Human Resources Director at Hamot Medical
14 Center, Erie, Pennsylvania.

15 Q. And the day -- Excuse me.

16 A. Erie, Pennsylvania.

17 Q. Okay. And the dates you were employed for
18 Hamot?

19 A. May of '74 to April of '79.

20 Q. Okay. Were you employed after that, some other
21 --

22 A. No.

23 Q. I see. And prior to Hamot, were you employed?

24 A. Yes, I was at the Lake County Hospitals in
25 Ohio.

1 Q. What was your position there?

2 A. Human Resources Director.

3 Q. Okay. Prior to that?

4 A. Erickson Tool Company in Solon, Ohio.

5 Q. Okay. And prior to that?

6 A. I was with the Cleveland Chamber of Commerce in
7 Industrial Development.

8 Q. Okay. And your level of education, Mr. Wright?

9 A. I have a Master's Degree.

10 Q. In what field?

11 A. Psychology.

12 Q. And your undergraduate degree?

13 A. Political science.

14 Q. And the institutions with which you hold these
15 degrees?

16 A. The Master's was University of Akron, and the
17 Bachelor's degree was from DePauw University. That's
18 spelled with a "W". That's in Greencastle, Indiana.

19 Q. For the record, I just want to make it clear,
20 you have been retired since what year?

21 A. I retired in '79. I've been retired for a
22 great many years.

23 Q. All right. Have you ever been a witness, a
24 party in any lawsuit?

25 A. Not that I can recall.

1 Q. Okay. Have you ever had occasion to
2 participate in a deposition?

3 A. Well, we had some cases -- Of course, in my
4 capacity as Human Resources Director we had some dealings
5 with cases in the -- at Hamot Medical Center, for example.

6 In other words, I worked with the attorneys that
7 represented the medical center.

8 Q. Okay. You currently serve on the Crawford
9 Central School District Board of Directors; is that
10 correct?

11 A. That's correct.

12 Q. That is an elected position?

13 A. It is.

14 Q. When were you first elected to that position?

15 A. Four years ago. Nearly four years ago.

16 Q. Okay. Have you held other elected offices?

17 A. Nothing major, precinct committeeman at large
18 to the national delegate convention, that sort of thing.

19 Q. What are your primary responsibilities on your
20 other position, the school board, which you now sit?

21 A. I'm the finance chairman, and also the
22 government affairs chairman. Those are my areas of
23 responsibility.

24 Q. Okay.

25 A. Delegate to the council of governments.

1 Q. Okay. Do you know Mr. and Mrs. Wagner?

2 A. Yes.

3 Q. How did you first come to know Mr. and Mrs.
4 Wagner?

5 A. Probably when Mr. Wagner called me on the
6 phone.

7 Q. Could you tell us the date, the approximate
8 date he first called you on the telephone?

9 A. I really don't know.

10 Q. Could you give us the --

11 A. It's been probably two years ago.

12 Q. So are we talking 2003?

13 A. Maybe 2002. Somewhere around there.

14 Q. What was your understanding that he called you?

15 A. He was calling --

16 MR. KUHAR: I was going to object. Did
17 you mean to say why he was calling? If you
18 understood his question, go ahead and answer it. I
19 thought there was a word missing there, but if you
20 understood the question, go ahead and answer it.

21 MR. NICHOLS: Do you understand what I
22 asked?

23 BY MR. NICHOLS:

24 Q. You said Mr. Wagner, called you in
25 approximately 2003. And I said, what did Mr. Wagner

1 relate to you what he called you or why he called you?

2 A. He was calling in regard to his wife's
3 potential employment with the district.

4 Q. Okay. Did you have a -- Subsequent to that
5 telephone call, did you have occasion to meet with Mr. and
6 Mrs. Wagner?

7 A. I didn't meet with Mr. Wagner.

8 Q. Mr. Wagner?

9 A. No.

10 Q. Miss Wagner?

11 A. On one occasion she was a guest at the drug and
12 alcohol executive commission as a potential board member.

13 Q. And you met with her there?

14 A. Right.

15 Q. Do you recall the nature of the discussion that
16 occurred between you and Miss Wagner on that occasion?

17 A. Miss Wagner?

18 Q. Mrs. Wagner.

19 A. I introduced her as my guest at the meeting as
20 a potential board member. There were no vacancies at the
21 time, and that was the end of that --

22 Q. Did she discuss with you on that occasion or
23 any subsequent occasion --

24 MR. KUHAR: Wait, he was still finishing
25 his answer.

1 MR. NICHOLS: Go ahead, please.

2 MR. KUCHAR: I think he said that was the
3 end of . . .

4 THE WITNESS: That was the end of the
5 discussion, as far as her reason for being there.

6 BY MR. NICHOLS:

7 Q. Okay. On that particular occasion, did she
8 make it known to you or tell you that she was trying to
9 obtain full-time employment as a -- as a teacher with the
10 Crawford Central School District --

11 A. I really don't recall.

12 Q. -- On that occasion?

13 A. I really don't recall.

14 Q. Were there subsequent occasions where she
15 brought this to your attention?

16 A. By phone perhaps, not in person.

17 Q. And do you recall what she said on the
18 telephone during the telephonic discussion?

19 A. Not -- I think she just explained her
20 situation.

21 Q. And that was she was looking for a job, trying
22 to obtain -- having difficulty obtaining a full-time
23 teaching position with the Crawford Central School
24 District; is that correct?

25 A. I think you could say that.

1 Q. This was in 2003, is that correct,
2 approximately?

3 A. 2002, 2003.

4 Q. And once she approached you and you knew this,
5 what if anything -- what was your reaction to her -- to
6 her telephone conversation, what she had related to you?

7 A. The problem is I don't do the hiring for the
8 school district. You know, the school board ultimately --

9 Q. You told her that?

10 A. Yes.

11 Q. You told her that?

12 A. I should have, if I didn't --

13 Q. Was there any --

14 A. -- Because the school board is a policy making
15 unit.

16 Q. I understand that. I understand. What -- Were
17 there any other conversation between you and Miss Wagner
18 relative to her asking you for help to obtain a full-time
19 teaching position --

20 MR. KUHAR: I object --

21 Q. -- At the school district?

22 MR. KUHAR: Object to that, because
23 there's been no reference to Mrs. Wagner asking Mr.
24 Wright for help so far in the questioning. But I
25 object in that sense, not that you can't ask him

1 that.

2 MR. NICHOLS: Let's go a step back.

3 BY MR. NICHOLS:

4 Q. Mr. Wright, on the telephone conversation --
5 You did say she called you, right?

6 A. (No audible answer.)

7 Q. There was a telephone conversation you said?

8 A. There was a telephone conversation. I don't
9 know if she called or Mr. Wagner called, but I didn't --

10 Q. Did you say you ever talked to Mr. Wagner?

11 A. On the phone.

12 Q. On the phone?

13 A. Yes.

14 Q. And you also talked -- I thought I understood
15 you to say you talked to Miss Wagner by telephone?

16 A. Yes, I did.

17 Q. You did, right?

18 A. And as I say, I don't know if she initiated the
19 call or he did.

20 Q. I didn't ask who initiated --

21 MR. KUHAR: You did. Actually you asked
22 whether Mrs. Wagner had called him, but --

23 MR. NICHOLS: That's beside the point.
24 Let's assume she did. We don't deny it.

25 MR. KUHAR: That was your question, that's

1 why he answered it that way.

2 MR. NICHOLS: All right, I would correct
3 it then.

4 BY MR. NICHOLS:

5 Q. There was a telephone conversation, correct?

6 A. Yes.

7 Q. And you say she -- As you understand it -- Why
8 did she call you? That's what I want to make clear.

9 A. A lot of people call the board --

10 Q. No, I'm asking why -- Do you remember --

11 MR. KUCHAR: He's trying to answer the
12 question, give him a chance.

13 MR. NICHOLS: Yeah.

14 A. A lot of people call board members with a lot
15 of questions. As I say, I explained what she called about
16 was her desire to get this teaching position.

17 Q. Right, okay.

18 A. And I explained to her that I didn't do the
19 hiring.

20 Q. Okay. Now you said that you talked to Mr.
21 Wagner by telephone; is that correct?

22 A. On several occasions.

23 Q. On several occasions?

24 A. Uh-huh.

25 Q. I see. What was the nature of your telephone

1 conversation with Mr. Wagner?

2 A. Well, he called essentially dealing with the
3 same topic. He was interested in my trying to help Mrs.
4 Wagner get a job.

5 Q. And your response to Mr. Wagner was?

6 A. Well, it was probably essentially the same.
7 What else could I tell him? I couldn't tell him, yes,
8 I'll see that she gets a job. We don't have that kind of
9 authority.

10 Q. I see. Let me ask you this, Mr. Wright: Are
11 you aware of the lawsuit that's been filed by Miss Wagner,
12 against the school district?

13 A. In general terms.

14 Q. But you are aware of it, right?

15 A. Yes.

16 Q. How did it first come to your attention, the
17 lawsuit?

18 A. It was brought to the board's attention as a
19 whole.

20 MR. NICHOLS: The lawsuit was filed on
21 about October 8th, 2004, approximately. I would ask
22 the Court Reporter, Miss Grill, would you mark this
23 (indicating) Plaintiff Exhibit 2 and include it in
24 the record, please?

25 (At which time, Plaintiff's
Exhibit No. 2, was marked for

1 purposes of identification.)

2 BY MR. NICHOLS:

3 Q. You say it was brought to the attention of the
4 board as a whole?

5 A. Right, that's when I was officially notified of
6 the lawsuit.

7 Q. What was the -- This having been brought to the
8 board's attention, this lawsuit I'm referring to, what was
9 the deliberations, if any, the board took regarding the
10 lawsuit?

11 MR. KUHAR: I object in that it's not
12 relevant to the matter. It's not likely to lead to
13 relevant information, and it's litigation work
14 product and likely attorney/client privileged.

15 MR. NICHOLS: I think that I'm asking him
16 -- He said -- He testified that it was brought to
17 the -- to the board's attention and that -- And I
18 then asked him what if the board's reaction was to
19 it?

20 MR. KUHAR: Right, and that's what drew my
21 objection, which I stand by.

22 MR. NICHOLS: You're noted for the record.
23 You can note his objection for the record.

24 BY MR. NICHOLS:

25 Q. Have you had an opportunity to review the

1 complaint?

2 A. No, I haven't reviewed the complaint. It was
3 summarized by our legal counsel to the board.

4 Q. And this would have been approximately 2000 --
5 It would have been 2004, of course, right?

6 A. (No audible answer.)

7 Q. That's when the suit was filed?

8 A. Right. The law firms wouldn't have come to us
9 until it was actually officially filed.

10 Q. Were you -- Prior to this lawsuit, there was an
11 administrative complaint filed with the Pennsylvania Human
12 Relations Commission. Was that also brought to the board,
13 the board's attention?

14 A. I really don't recall.

15 Q. It's possible?

16 A. In all likelihood we would have been informed.

17 Q. And the minutes will reflect that; would it
18 not?

19 A. (No audible answer.)

20 Q. The minutes of the board meeting would reflect
21 that?

22 A. Not -- Not in executive session, I don't
23 believe so. There are minutes of the work sessions and
24 there are minutes of the public session, but I don't
25 believe there are minutes of executive sessions, because

1 we have to report anything out to the public if we decide
2 anything.

3 So executive session is to deal with private
4 personnel matters --

5 Q. But the lawsuit --

6 A. -- Legal questions.

7 Q. All right. A lawsuit is filed and as a matter
8 of course it would be brought to the attention of the
9 board as you said it was in this case, right?

10 A. Yes.

11 Q. Let me step back. What about administrative
12 complaint that's filed with the administrative agency, in
13 this case, the Pennsylvania Human Relations Commission,
14 would that also would have been brought to the attention
15 of the board as a matter of standard procedure?

16 A. I imagine that it would have.

17 Q. Matters that involve your legal counsel are
18 matters which are routinely brought to the board, before
19 the board; is that correct?

20 A. I --

21 Q. Is that a fair statement?

22 A. I don't know that I would say that. I think
23 there are a lot of legal issues that our people deal with,
24 our attorneys, and that's it. They don't come to the
25 board if they're not complex issues.

1 Q. Okay. Mr. Wright, I have a document here I've
2 also --

3 MR. NICHOLS: And ask Miss Grill to mark
4 -- the court reporter to mark this as Plaintiff
5 Exhibit 3 (indicating) and include it as part of the
6 record.

7 (At which time, Plaintiff's
8 Exhibit No. 3, was marked for
purposes of identification.)

9 BY MR. NICHOLS:

10 Q. -- It's -- It purports to be a statement of
11 affirmative action, an equal opportunity policy of the
12 board. What I have here, I would like to show it to you,
13 if you would take a moment and look at it (indicating).
14 You've seen a statement before?

15 A. Right, I know this is in the policy manual.

16 Q. Okay. It purports to be, as I understand it
17 and read it, equal opportunity education and the
18 commitment of the district to enforce its civil rights
19 laws.

20 Let me ask you, what are your -- What are your
21 general -- As a public official, what is your feelings
22 about the enforcement of the civil rights laws?

23 Do you have a feeling, do you think it's a good
24 thing? Do you think those laws are good, and the district
25 should vigorously enforce them or do you disagree -- do

1 you disagree with the civil rights laws and policies?

2 A. It's the law of the land, of course, I support
3 them. As the human resources director it was my job to
4 train people to follow the law.

5 Q. That was prior to your coming -- That was prior
6 to your assuming your present office --

7 A. Of course.

8 Q. -- On the board, you were a human resource
9 officer?

10 A. Yes.

11 MR. KUHAR: Human resource director.

12 MR. NICHOLS: Resource director, right. I
13 have also -- I would ask Miss -- the Court Reporter,
14 to mark this Plaintiff Exhibit 4 (indicating), and
15 make it part of the record, please.

16 (At which time, Plaintiff's
17 Exhibit No. 4, was marked for
purposes of identification.)

18 BY MR. NICHOLS:

19 Q. This is a diagram of the hierarchy of the
20 school district, as best that I can tell, in terms of
21 reporting responsibilities. And it appears -- And who
22 reports to who in terms of the hierarchy as I say.

23 Now I have a specific question for you here. Shown
24 below of the board of director is the superintendent,
25 that's Mr. Dolecki, the superintendent (indicating)?

1 A. Right.

2 Q. Mr. Dolecki reports to the board of directors;
3 is that correct?

4 A. That's correct.

5 Q. Okay. Is it also correct that Mr. Dolecki is
6 an employee of the school district?

7 A. Of course.

8 Q. Okay. He's paid by the school district?

9 A. Yes.

10 Q. He reports to the board of school directors; is
11 that correct?

12 A. That's correct.

13 Q. Now the assistant superintendent position, just
14 below the superintendent position as shown on Exhibit 4 is
15 held by Mr. Heller, Charles Heller, III; is that correct?

16 A. That's correct.

17 Q. I think so. And Mr. Heller reports to the
18 board through Mr. Dolecki; is that correct?

19 A. That's the way it is on the organization chart,
20 yes.

21 Q. And Mr. Heller also is an employee of the
22 school district?

23 A. Yes, he is.

24 Q. Is that correct?

25 A. (Nodding head affirmatively.)

1 MR. NICHOLS: Okay, now I have Plaintiff
2 Exhibit 5, and I'd ask the Court Reporter to mark
3 this Exhibit 5 and make it a part of the record.

4 (At which time, Plaintiff's
5 Exhibit No. 5, was marked for
6 purposes of identification.)

6 BY MR. NICHOLS:

7 Q. It -- What it is, is captioned -- It's an
8 article prepared by Joel DiAngi. It's dated May 16th,
9 2004, and it's featured by the Meadville Tribune. And on
10 page A4 Mr. DiAngi gives a discussion of the, as he sees
11 it, problems of the demographics, the racial makeup of the
12 staff, the teaching staff, the -- of the working staff of
13 the school district.

14 And he makes a remark here in the first paragraph --
15 The second paragraph rather, in this article that the
16 Crawford Central School District serves more than three --
17 4,000 kids, 307 of whom are African decent, are black, and
18 there are very few teachers, administrators, counselors of
19 color.

20 I'm not sure, have you seen this particular article?
21 You perhaps have seen this (indicating)?

22 A. I have.

23 Q. Now having seen this article here, and now
24 having known of this lawsuit for over a year now, and Miss
25 Wagner having come to you and Mr. Wagner having come to

1 you, are you troubled by the present situation in which
2 Crawford County finds itself in terms of this lawsuit and
3 equal opportunity problems? Are you troubled by that?

4 MR. KUHAR: Are you asking about his
5 reaction to the litigation and his assessment of the
6 district's position in the litigation?

7 MR. NICHOLS: No, I specified -- I
8 prefaced my remarks, I'm asking as Mr. and Mrs.
9 Wagner approached him, and the article of which he
10 acknowledged he had seen, the complaint he
11 acknowledged, and the board embark -- And when I say
12 embark, I mean together.

13 BY MR. NICHOLS:

14 Q. I'm saying with this knowledge all of this, are
15 you troubled by -- What is your feeling, if any, toward
16 that -- I mean as an elected official on the school board?

17 MR. KUHAR: I object to this question in
18 that it does not seek information which is relevant
19 to the lawsuit or which would lead to the discovery
20 of information relevant to the school lawsuit. I
21 think it involves attorney/client privileged advice
22 that he's gotten from counsel. And also seeks to
23 ask him essentially how he feels about the lawsuit,
24 which is part of his litigation work product. It's
25 an impermissible question.

1 MR. NICHOLS: He can express his opinion,
2 counsel. I don't see anything -- If he wishes --

3 MR. KUHAR: As your counsel, I'm going to
4 instruct you not to answer. You can disregard my
5 advice, but it's my advice that you not answer that.

6 THE WITNESS: I would choose not to answer
7 then. I mean we pay him to know the law. I'm not
8 the lawyer.

9 MR. NICHOLS: Okay.

10 BY MR. NICHOLS:

11 Q. You said that the school board did discuss this
12 lawsuit together. You did make that statement, correct?

13 A. It was brought to our attention.

14 Q. All right.

15 A. Surely.

16 Q. And the lawsuit was placed on the agenda -- Was
17 it placed on the agenda of the school district -- of the
18 board rather?

19 A. No, it wouldn't have been placed on the agenda,
20 it would have been an executive session item which we
21 would be advised of by a memorandum that it would be
22 discussed in executive session.

23 We don't always know that in advance, from a timing
24 standpoint. But in general the superintendent let's us
25 know what executive committee items are going to occur.

1 Q. What does -- When you say executive session,
2 what are you -- what does that consist of --

3 A. Under --

4 Q. -- In terms of proceeding?

5 A. Under the State Sunshine Law, when we're
6 dealing with a personnel or legal issue where there's
7 confidentially -- confidentiality is required, we're
8 permitted to do this in executive session, which is not
9 open to the public.

10 Our actions must come back to public session and be
11 presented to the public. We can't take action in
12 executive session, we merely discuss what action we would
13 propose to take.

14 Q. And that's what's called the Sunshine Law
15 you're talking about that?

16 A. The Sunshine Law enables us to handle the
17 matters in that way. When you're dealing with personnel,
18 the people, with publicity, it could actually hurt the
19 people involved, and we want to protect the people's
20 position.

21 Q. Has the board -- Since the filing of the
22 lawsuit, has the board changed any policies?

23 A. Changed its policy --

24 Q. Any policies?

25 MR. KUHAR: If you know.

1 A. Certainly.

2 Q. Could you specify, Mr. Wright?

3 A. We get them periodically. We change policies.
4 We get the new policies, we insert them in the policy
5 manual.

6 Are you specifying a change in policy in the legal

7 --

8 Q. With regard to the lawsuit --

9 A. -- The legal requirements of the EEOC?

10 Q. Before I get to that, I'm talking about the
11 lawsuit. Since the filing of the lawsuit, has the board
12 changed any of its policies?

13 A. Yes.

14 Q. Could you specify? Is it possible --

15 A. Well --

16 Q. -- I mean to the best you can recall, your
17 recollection permits?

18 A. Evaluations of employees, there have been --

19 Q. How has that changed?

20 A. There's probably, I would guess 40 or 50
21 policies that we changed in the three and a half years
22 I've been on the board. We modify and update the policies
23 consistently.

24 Q. But, Mr. Wright, what I'm focusing on is
25 specifically, my question was the lawsuit, since it's been

1 filed, have that -- have you made any changes in reaction
2 to that, as best you can recall?

3 A. No. No, if you're talking about relevant to
4 the lawsuit. Relevant to the lawsuit, no policies have
5 been changed.

6 Q. Okay. You mentioned EEO-5 --

7 A. EEOC.

8 Q. Yeah, EEO-5. You mentioned EEO-5.

9 MR. KUHAR: I don't think he did. I think
10 he mentioned EEOC. You can ask him about EEO-5 if
11 you want.

12 BY MR. NICHOLS:

13 Q. I mean, did you have a statement that you want
14 to have share, a statement, on EEOC or EEO-5? I thought I
15 heard you say something.

16 A. I just said I was familiar with the EEOC
17 legislation.

18 Q. And as a member of the board you're familiar
19 with the EEO-5 form, are you not?

20 A. (No audible answer.)

21 Q. Are you familiar with the EEO-5 form?

22 A. I'm not really familiar with what that is
23 exactly. What does that form require? What kind of
24 report form is it?

25 Q. I have a --

1 MR. NICHOLS: I would ask the Court
2 Reporter to mark this Exhibit 6 and include it in
3 the record (indicating).

4 (At which time, Plaintiff's
5 Exhibit No. 6, was marked for
6 purposes of identification.)

6 BY MR. NICHOLS:

7 Q. I'd like to show you a copy of the EEOC
8 regulation that's promulgated by the EEOC (indicating),
9 and speaks to the obligation of the school district to
10 maintain data relevant to employment -- employees,
11 ethnicity rates.

12 A. This is a demographics report.

13 Q. Well, the regulation you have there speaks --

14 MR. KUHAR: I'm not allowed to help you,
15 but if you don't know, you don't know.

16 A. Yeah.

17 Q. You never saw this regulation before?

18 A. Oh, I've seen the -- I've seen the regulations.
19 As long as it was in place before I retired, I certainly
20 saw them.

21 Q. You understand --

22 A. That's 27 years ago.

23 Q. Right. But I'm talking this is current, this
24 policy is current.

25 A. It is still in place?

1 Q. What I'm saying is, what is your understanding
2 of it? As a board member, it imposes certain obligations
3 on the school district, as I read it.

4 A. I'm familiar with the EEOC-1, which we used to
5 file. As I say, it's been 26 years since I was involved
6 in that. This is the kind of thing that the board
7 wouldn't do. This is an administrative matter.

8 Q. On the administrative level, who is in charge
9 with this responsibility of preparing the EEO-5 form; do
10 you know?

11 A. I'm not aware, no.

12 Q. You're not. But you say it's -- it's the
13 administrative level that would take care of it?

14 A. Oh, yes.

15 Q. But with the -- Once the form -- As I
16 understand these regulations require that it be completed
17 and that it be remitted to the EEOC, the completed form
18 that is. Do you know whether the board signs off on the
19 completed form or is that done by administrators?

20 A. It would be an administrative thing. I don't
21 recall that it's ever come to the board. We don't approve
22 detailed reports.

23 Q. Not even those submitted to a federal agency?

24 A. It's a policy making organization. It's not an
25 administrative organization.

1 Q. Okay. Now I want to go back, if I may, before
2 I move forward, to something I've touched on already.
3 Your question with Mr. Wagner -- Your discussion with Mr.
4 Wagner and Mrs. Wagner. And I have two questions.

5 Did you ever make certain remarks to Mr. Wagner?
6 And specifically those remarks are this: Mr. Wagner says
7 that on one occasion, in a telephone conversation, you
8 stated to him, quote "Bernie, generally speaking, black
9 and brown applicants are not as smart as white
10 applicants," close quote. Did you make that remark to Mr.
11 Wagner?

12 A. No, I would have to deny that.

13 Q. You deny that --

14 A. (Nodding head affirmatively.)

15 Q. -- Having made that remark?

16 A. Absolutely.

17 Q. Okay. Second, do you recall having made
18 another remark to Miss Wagner, Miss Wagner asked you why
19 it was so difficult for her to obtain a full-time teaching
20 job at the school district, and your reply was that the
21 reason -- one reason was -- one of the reasons was because
22 your spouse, Mr. Wagner, was regarded or viewed as a
23 troublemaker, close quote?

24 A. No, I don't think the fact that he's considered
25 a troublemaker would have impacted her chances of getting

1 a job.

2 Q. I'm asking you this though, Mr. Wright, please,
3 and be responsive to my question, did you make such a
4 remark to Miss Wagner?

5 A. I don't recall, but I would think not. It
6 wouldn't seem relevant.

7 Q. You don't deny it?

8 A. (No audible answer.)

9 Q. You don't deny it -- You don't deny that you
10 said -- You're not saying yes or no to my question, right?

11 A. Um --

12 Q. Is that a fair interpretation on my part, you
13 say you don't know, you don't remember?

14 A. Yeah, it's several years ago. I would say that
15 I may have told her that her -- that his intercession
16 would not be helpful to her.

17 Q. Could you -- Could you elaborate on -- When you
18 say intercession, could you elaborate on that, what you
19 meant --

20 A. Well --

21 Q. -- When you use the term intercession?

22 A. Well, yeah. He contacts the school board, he
23 contacts the school officials on her behalf. And I just
24 may have pointed out to her that that might not be
25 helpful.

1 Q. Was there some specific reason why that would
2 not have been helpful? You do have other people approach
3 you on behalf of candidates, don't you, positions? That's
4 not uncommon, is it? Not -- Is it, that others approach
5 you to make recommendations --

6 A. Right.

7 Q. -- For candidates, right?

8 Why would it have been in Mr. Wagner's case not been
9 helpful?

10 A. No, no, I wouldn't point him out specifically.
11 I'm just saying that in many cases --

12 Q. I thought you said it would not be -- You told
13 her it would not be helpful?

14 A. The person that contacts me and asks me to do
15 something that I can't do, you know, they may not be
16 helpful in promoting their cause either, they have to go
17 through the proper chain of command.

18 Q. Right. But it is true --

19 A. But as I say --

20 Q. But it is true that the board is the ultimate
21 authority in terms of the hiring of teaching staff, right?
22 The board makes the final decision; is that correct?

23 A. Yes, we do and --

24 Q. And you sat as a member of the board; is that
25 correct?

1 A. That's correct.

2 Q. Okay. So the question of which I'm not clear
3 on that I want to pose again, you acknowledge that you are
4 approached by others in terms of who is seeking -- on
5 behalf of others who is seeking full-time employment,
6 that's not uncommon you say, right?

7 A. Well, yes, it is. Relative to our total scope
8 of responsibility, people in general don't come to the
9 board job seeking.

10 I might get contacts from people that want
11 internships, things like that, or they might be applying
12 or interested in a job. I tell them what the procedure
13 is, I tell them to file an application.

14 Q. Right. But with Mrs. Wagner, you told her his
15 intercession on her behalf would not be helpful?

16 A. That was my opinion at the time.

17 MR. NICHOLS: Okay, just one moment,
18 please.

19 (Off-the-record discussion.)

20 BY MR. NICHOLS:

21 Q. Mr. Wright, if I may jog your memory, I recall
22 you testified earlier that you had talked to Mr. Wagner by
23 telephone but you had never met him personally; is that
24 correct?

25 A. Oh, no, I'm talking about -- talking about this

1 issue at the time of the first phone call. I had never
2 dealt with him in person.

3 Q. All right. But I am told that you did meet
4 with them on one occasion at the school office?

5 A. That's true.

6 Q. Does that jog your memory?

7 A. That's true.

8 Q. And was that also -- Your meeting with him on
9 that occasion, did you also discuss Miss Wagner's efforts
10 and problems in obtaining long term employment with the
11 school district?

12 A. Yeah, that is true. I had forgotten that. But
13 that is another one of our functions. We meet with lots
14 of people.

15 Q. Okay. So, we need to correct then your earlier
16 testimony regarding that, regarding not having met with
17 Mr. Wagner?

18 A. I believe I said prior to when the lawsuit was
19 filed.

20 Q. Okay. Now if we may, let's turn to you have
21 served as an elected member of the school board for how
22 many years?

23 A. Nearly four.

24 Q. Four years, okay. And you said that -- You
25 testified that the school board is a policy making body?

1 A. Right.

2 Q. Is that correct?

3 A. Yes.

4 Q. And by that you mean -- When you say policy
5 making, what are you saying in terms of its function
6 specifically?

7 A. Well, there are a great many policies. We have
8 to implement all these things that come down the pike.
9 The HIPPA regulations, any changes in the law, all these
10 things have to be worked into the system, into the policy
11 positions of the board. And we have a huge manual that we
12 constantly update.

13 Q. Okay. Now, in addition to your policy making
14 function, do you also have a supervisory function? When I
15 say supervisory, I'm saying over the administration?

16 A. In direct reporting responsibility, Mr. Dolecki
17 reports directly to us, from that standpoint. But here
18 again, we don't micromanage --

19 Q. And Mr. Dolecki and Mr. Heller --

20 A. -- We hire administrators to do the work.

21 Q. -- When I say are the administration, they are
22 the administration, they are the administrators; are they
23 not?

24 MR. KUHAR: Did you catch the last part of
25 his part answer? I don't need her to repeat it

1 back, it's just I know Mr. Nichols was speaking
2 while Mr. Wright was speaking.

3 (At which time, the Court
4 Stenographer read back the
previous answer.)

5 MR. KUCHAR: Okay, just checking. She has
6 it all.

7 BY MR. NICHOLS:

8 Q. So, you do have a supervisory responsibility
9 over the administration; is that correct?

10 A. Broadly speaking yes.

11 Q. I see.

12 MR. NICHOLS: I would ask the Court
13 Reporter to mark Plaintiff Exhibit 6 -- No, no,
14 seven. Seven. Plaintiff Exhibit 7. Yeah, seven,
15 and include it as part of the record, please?

16 (At which time, Plaintiff's
17 Exhibit No. 7, was marked for
purposes of identification.)

18 BY MR. NICHOLS:

19 Q. Mr. Wright, as a part of the discovery -- in
20 the course of the discovery, I propounded -- submitted
21 certain questions to the school district, to the board
22 through your counsel. And I have here in my hand, which
23 has been marked as Plaintiff Exhibit 7 (indicating) I have
24 the defendants responses to the plaintiff's -- their
25 request for production of documents.

1 And the -- Number four, question number four -- The
2 answer to question number four is this -- The question I
3 proposed, I asked for was that they produce documents of
4 EEO-5 forms, reports for the calendar year 1990, 1991,
5 1992, 1993, 1994 and 1995. Mr. Kuhar had previously
6 provided me with reports. These were for 1996 to current,
7 to 2005. And when I first requested, he did not produce
8 for 1990 through 1995.

9 And then in the second request the response was that
10 the EEO-5 reports are filed biennially, as indicated on
11 the EEO-5 form, which I've just shown you marked as
12 Exhibit 6. And saying that "After reasonable
13 investigation the, Defendants' believe that other EEO-5
14 reports were discarded by a former clerical employee."
15 Okay.

16 MR. KUHAR: That was number three. You
17 said it was number four, but I'm with you.

18 MR. NICHOLS: All right.

19 BY MR. NICHOLS:

20 Q. And then also a part of Exhibit 7 is -- And
21 that's 7-A. 7-B, Exhibit 7-B, all of which is a part of
22 one -- of one response, there is another request. And
23 that request -- Let's see. Just one moment.

24 I asked the question dealing with -- dealing with
25 the nepotism policy as it applies to the school district,

1 as it applies, and said that Mr. Heller speaks to that.

2 But as a board member, that being a policy, I would
3 inquire of you of that. And then is there a third --

4 MR. KUHAR: Do you want to point out which
5 one you're referencing? The second one you said
6 something about 7-A or 7-B.

7 Shannon, do you have Exhibit 7-A or 7-B?

8 MR. NICHOLS: No, it's a mistake here in
9 the numbering. It should be seven. It should be
10 seven. The document itself should be marked seven.
11 Okay, this document (indicating)

12 MR. KUHAR: Okay.

13 MR. NICHOLS: And it's captioned,
14 defendant's responses to the plaintiff's third
15 request for production of documents, all right?

16 MR. KUHAR: Right.

17 MR. NICHOLS: Then I'm saying there are
18 three items I'm directing to the same document.

19 MR. KUHAR: Right.

20 MR. NICHOLS: The first is the
21 loss of the EEO-5 form which you responded --

22 MR. KUHAR: Are you labeling --

23 MR. NICHOLS: On question three, okay?

24 MS. WAGNER: Mr. Nichols? Mr. Nichols,
25 the difficulty for us is the copies that were

1 prepared for us had stickers on them when they were
2 copied, and it's difficult for us to read what the
3 remaining text is.

4 MR. KUHAR: We're trying, but bear with
5 us (indicating).

6 MS. WAGNER: This is what we have
7 (indicating).

8 MR. KUHAR: Okay?

9 MR. NICHOLS: You don't have the right
10 one.

11 MR. KUHAR: Well, I don't think we have
12 the wrong one, we just have ones that have big
13 post-its blocking out large parts of the text.

14 MR. NICHOLS: I see, okay.

15 MR. KUHAR: We're trying to follow you.

16 MR. NICHOLS: I see.

17 MR. KUHAR: So you've directed the
18 deponent to a question --

19 MR. NICHOLS: All right, let me -- I'm
20 sorry, there was -- Unfortunately, in the person
21 duplicating this, you can readily see. But let's
22 look at three, your answer to number three.

23 BY MR. NICHOLS:

24 Q. And you say the EEO-5 forms are missing, that's
25 one. And 7-B dealt with the question dealing with the

1 nepotism, application for nepotism. You directed me --

2 MR. KUHAR: Again, there is no 7-B, okay.

3 And we are trying to follow you. Don't take it the
4 wrong way, but are you talking about these numbers
5 (indicating)? In which case there is no 7-B. Or
6 are you talking about this number (indicating),
7 which says 6-B, but --

8 MR. NICHOLS: It should be 7-B, it's a
9 misnumbering.

10 MR. KUHAR: Might it be convenient if we
11 referred to these numbers and note the whole
12 document here is Plaintiff Exhibit or Deposition
13 Exhibit 7.

14 MR. NICHOLS: Let's handle it this way.
15 Okay, let's handle it this way and I will have
16 corrected copies, intelligible copies made and
17 incorporated into the record.

18 MS. WAGNER: Yes.

19 MR. NICHOLS: You can see what happened,
20 the duplication, the person that did it for me
21 blocked it out unfortunately.

22 BY MR. NICHOLS:

23 Q. But what I'm asking you, Mr. Wright, my
24 question to you is at least on two occasions, one, with
25 respect to my request for the production of EEO-5 forms,

1 which are mandated by federal regulation, the other one
2 has to do with the production of documents, which I will
3 get to the certified substitute teacher list for 2002-2003
4 was not supplied, said they were lost by clerical error.
5 And that the communication center, through which is the
6 party, contracted party, lost these documents.

7 There are at least two instances here where
8 documents have been lost, unaccounted for. Was this
9 brought to the attention of the board?

10 MR. KUHAR: Wait a minute, I object to the
11 question. If you want to ask him whether he has
12 knowledge of whether these documents which we claim
13 to be missing exist, that's fair game. But if
14 you're asking him whether the absence of these
15 documents was discussed as it relates to the
16 defense of this case, I'm going to object to that
17 for the grounds that I've objected recently.

18 BY MR. NICHOLS:

19 Q. Well, my question is, are you aware -- Was
20 these missing documents, was it brought to the attention
21 of the board to the extent that you're aware on any
22 occasion?

23 A. No.

24 Q. So you never heard -- You never new -- heard
25 that these particular documents were missing?

1 A. Again, it seems like they would be an
2 administrative detail that wouldn't be in the province of
3 the board.

4 Q. Please, just answer my question yes or no.

5 MR. KUHAR: He did once.

6 MR. NICHOLS: You said you never heard,
7 you didn't know, you don't know.

8 MR. KUHAR: He answered your question, and
9 you restated it, and he tried to have find another
10 way to answer it.

11 MR. NICHOLS: I heard you, counsel, he
12 answered it. He never heard, okay.

13 BY MR. NICHOLS:

14 Q. So, apparently administration never brought it
15 to your attention, to the attention of the board?

16 A. I would guess not.

17 Q. Okay. Let me turn to now other matters dealing
18 with legal and administrative matters. Apart from this
19 lawsuit, do you know whether the board has been sued or
20 the school district been sued on the grounds of racial
21 discrimination or of a failure to comply with the civil
22 rights laws?

23 Do you know of any case, any instance where that's
24 occurred?

25 A. Aside from this one, none others that occurred

1 since I've been on the school board, elected to the school
2 board. Prior to that, I don't know.

3 Q. You don't know. Have you ever of the Iminda
4 (sic) Dixon case?

5 MR. KUHAR: Armindia.

6 MR. NICHOLS: Dixon.

7 MR. KUHAR: I'm correcting the name.

8 A. I've never heard of that.

9 BY MR. NICHOLS:

10 Q. Have you heard of that case, Imindia (sic)
11 Dixon, the Crawford County School District?

12 A. Do we know what year that was?

13 Q. 1984.

14 A. I wasn't in Pennsylvania then.

15 Q. I'm asking you, have you heard? And if you
16 haven't, then you can say so.

17 A. No.

18 Q. You never heard of the case before?

19 A. I'm not aware of it, no.

20 Q. You're not aware of it, okay. And you say
21 you're not aware of any other lawsuits that have been
22 filed against the school district or the school board for
23 reasons of allegations of failure to comply with the civil
24 rights laws?

25 A. Not on my watch.

1 Q. Not on your watch. Any administrative action
2 taken against the school district, school board for civil
3 --

4 MR. KUHAR: I didn't understand that
5 question.

6 BY MR. NICHOLS:

7 Q. The state, an administrative agency, a state
8 agency, a federal agency, EEOC, ever taken an action
9 against the school before?

10 MR. KUHAR: If you know.

11 Q. Civil rights violation?

12 MR. KUHAR: If you know.

13 A. I don't know.

14 Q. You just don't know?

15 A. I don't recall anything of that nature coming
16 to the board. Again, during my term.

17 Q. Are you aware of a case that was filed by
18 Claudette DeLeon toward the secondary level, a Spanish
19 speaking teacher?

20 A. Yes, I am, that's a case that's been pending
21 for some period of time. The occasion that started that
22 whole thing, again, was before my term on the board. But,
23 it still --

24 Q. You are aware of it?

25 A. It's still an ongoing situation. We are kept

1 up-to-date on that.

2 Q. Right, okay. But that would refresh your
3 memory as to the other lawsuit that's pending?

4 MR. KUHAR: That's his testimony. I mean,
5 are you looking for more information?

6 MR. NICHOLS: No.

7 BY MR. NICHOLS:

8 Q. I would ask you to speak clearly for the
9 record. I'm trying to make sure the record is clear, so
10 could you -- On the DeLeon case, you say you are aware of
11 it?

12 A. I have been kept updated on this case. This is
13 a discharge case, it's not a hiring case.

14 Q. Yeah, it's a discharge, but it's a civil rights
15 case?

16 A. Right.

17 Q. Right, okay.

18 MR. KUHAR: He's acknowledged that.

19 MR. NICHOLS: All right.

20 BY MR. NICHOLS:

21 Q. Has the -- Has the school district or the
22 school board ever placed an injunction by any court?

23 MR. KUHAR: Again, if you know.

24 A. Not that I know of.

25 Q. Not that you know.

1 MR. NICHOLS: Would you make this Exhibit
2 6 -- Exhibit 7 rather? Okay, and include it in the
3 record.

4 MR. KUCHAR: Seven?

5 MR. NICHOLS: This is the one we're
6 talking about -- You know it.

7 MR. KUCHAR: I have a copy of it.

8 MR. NICHOLS: Miss Wagner, it's clear what
9 document I'm referring to?

10 MS. WAGNER: That's seven, right.

11 MR. NICHOLS: Seven, correct.

12 MS. WAGNER: Right.

13 MR. NICHOLS: Okay. All right, do you
14 want to take five minutes?

15 MR. KUCHAR: Sure.

16 MR. NICHOLS: Let's take a 10 minute
17 break.

18 MR. KUCHAR: We've got another one coming
19 in at 2:30.

20 MR. NICHOLS: Let me see, I've got about
21 another five, I'd say 10 more questions.

22 MR. KUCHAR: Five minutes will be enough
23 for us, so we'll be back in five minutes.

24 MR. NICHOLS: We can go off the record.

25 (At which time, 2:05 p.m., a
recess was taken and the

1 deposition resumed at 2:15 p.m.)

2 MR. NICHOLS: Back on the record. It's
3 approximately 2:18 p.m. While we were doing the --
4 during the intermission and while we were away and
5 off the record, no discussion about this case
6 occurred between the plaintiff and the defendant and
7 counsel. Okay, the record should reflect that.

8 BY MR. NICHOLS:

9 Q. Continuing with the line of question, Mr.
10 Wright, I have a tape here that I prepared for this
11 deposition (indicating). I listened to it, I had an
12 opportunity. And as I recall you appeared on a radio
13 program and that there was a question, as I understand it,
14 from the people on the radio program. They asked you
15 about the civil rights law as it relates to the school
16 district as it relates to civil rights and minorities.

17 Does that jog your memory?

18 A. That's entirely possible, I've -- I've done a
19 lot of radio shows. And what radio station had the
20 question and answer periods that I had been on, I can't
21 distinguish.

22 I've done programs on veterans programs, all kinds
23 of things. But sure, that's entirely possible.

24 Q. I raise this because it was that particular
25 program in which you were -- you appeared and you were

1 asked a question regarding the civil rights laws and
2 obligation to the school district's --

3 MR. KUHAR: Mr. Nichols, could you be
4 more specific about when that radio program was and
5 could you identify that and tell us?

6 MR. NICHOLS: Let me see. November 27th,
7 2002.

8 MR. KUHAR: Okay, now I have an objection
9 of sorts, which perhaps you can sort of fix the
10 question. But you were saying in that particular
11 conversation, and then you were starting to ask a
12 question. He said he can't distinguish them.

13 Maybe with prompting he could. But so far he
14 said there have been a number of them, and he said
15 he couldn't distinguish them.

16 MR. NICHOLS: I raise that because this
17 program, radio program on November 27th, 2002 that
18 prompted Miss Wagner to contact you. And I believe
19 she contacted you by letter.

20 And this is -- I would ask that be marked as
21 Plaintiff Exhibit 8 (indicating). Number eight, and
22 be made a part of the record.

23 (At which time, Plaintiff's
24 Exhibit No. 8, was marked for
purposes of identification.)

25 BY MR. NICHOLS:

1 Q. I will show it to you (indicating). Mr.
2 Wright, do you recall having received a copy of this?

3 MR. KUHAR: Do we have one yet?

4 MR. NICHOLS: Miss Wagner?

5 MR. KUHAR: Do we have one, Caleb?

6 MR. NICHOLS: No, I have to make you a
7 copy.

8 MR. KUHAR: I'd like to see it before you
9 ask him about it.

10 MR. NICHOLS: All right, sure.

11 MR. KUHAR: Caleb, have you produced this
12 to us before?

13 MR. NICHOLS: You mean that particular
14 document?

15 MR. KUHAR: Yes.

16 MR. NICHOLS: I'm not sure whether I
17 produced that or not.

18 MR. KUHAR: All right.

19 MR. NICHOLS: I'm not sure, okay.

20 BY MR. NICHOLS:

21 Q. Do you -- Mr. Wright, do you recognize having
22 received that particular document?

23 A. I get a great deal of mail, I'm not sure.

24 Q. You can say yes or no, if you know.

25 MR. KUHAR: If it lends itself a yes or

1 no answer. If it doesn't, continue explaining.

2 A. If I had received it, I probably would have
3 responded. I try to return calls and answer mail.

4 MR. KUHAR: Sitting here, do you have a
5 recollection of receiving that or not?

6 THE WITNESS: I don't remember
7 specifically.

8 BY MR. NICHOLS:

9 Q. Mr. Wright, Miss Wagner sent you a letter,
10 letters relative to two positions, teaching positions, for
11 which she applied. And one of the positions is a
12 kindergarten teacher, elementary school, and Mr. Heller's
13 name is the person to contact, to send letters to apply
14 was until September 6th, 2005, today.

15 And the second position she applied for was
16 kindergarten teacher, second district elementary school,
17 west end.

18 Miss Wagner sent you -- sent you letters relative to
19 this. Do you recall having received letters fairly
20 recently that she did --

21 A. Yes

22 Q. -- Concerning these positions, these two
23 position?

24 A. I got copies of those letters.

25 Q. You got these letters?

1 A. I believe I received them on Friday.

2 Q. Okay. All right. Do you plan to do anything
3 in respond to her? Do you plan to respond to her?

4 A. Here, again, we don't do the hiring. I assume
5 that the original went to Mr. Heller, that mine was an
6 information copy.

7 MR. NICHOLS: Okay, I would ask that you
8 mark a copy of the collective bargaining agreement
9 between Crawford Central Association, and the
10 Crawford Central School Board as Plaintiff Exhibit
11 9, please?

12 (At which time, Plaintiff's
13 Exhibit No. 9, was marked for
purposes of identification.)

14 MR. KUHAR: Crawford Central Education
15 Association.

16 THE WITNESS: This is the new one?

17 MR. KUHAR: No, it's the old one.

18 MR. NICHOLS: I ask that the Court
19 Reporter mark as Plaintiff Exhibit 10, which is a
20 copy of the anti-nepotism policy for the Crawford
21 Central School District (indicating), and make it a
22 part of the record.

23 Plaintiff Exhibit 11 is captioned the
24 defendants' response to the plaintiff's request for
25 clarification and more specific response to the

1 plaintiff's first set of interrogatories. I would
2 ask that this be marked Plaintiff Exhibit 11
3 (indicating), and made a part of the record.

4 Exhibit 12 is a copy of a letter that plaintiff
5 received from the Pennsylvania Department of
6 Education indicating a Right-to-know law request for
7 copies of all emergency permits that were issued to
8 the elementary teaching staff of Crawford Central
9 School District for the period 2001 through 2005,
10 indicating that no elementary emergency teaching
11 permits were issued.

12 What did I say this was? This is 12, okay.
13 Thirteen, Plaintiff Exhibit 13 is captioned
14 defendants response to the plaintiff's third
15 request for production of documents --

16 MR. KUHAR: I'm sorry, Caleb, July 13th,
17 '05, what exhibit number was that?

18 MR. NICHOLS: Thirteen.

19 MR. KUHAR: Thank you.

20 MR. NICHOLS: Thirteen, and it's captioned
21 the defendants responses to the plaintiff's third
22 request for production of documents.

23 Okay, Plaintiff Exhibit 14 is a copy of what
24 purports to be an agreement between school district,
25 signed off by Mr. Dolecki, superintendent of the

1 school district, Communications Center, Inc.
2 Plaintiff Exhibit 14, please (indicating).

3 Plaintiff Exhibit 15 is a agreement by which
4 Crawford Central School District chooses to
5 participate in the Northwest Tri-county Intermediate
6 Unit emergency substitute teacher consortium.
7 Plaintiff Exhibit 15, please (indicating).

8 Sixteen, Plaintiff Exhibit 16, please, is a
9 copy of a letter authored by Richard Perhacs dated
10 April 7, 2003, directed to -- addressed to Joseph
11 Adler, Pennsylvania Human Relations Commission.
12 Plaintiff Exhibit 16 (indicating).

13 Plaintiff Exhibit 17 is an elementary
14 substitute teachers list dated May 23rd, 2005. It
15 is the elementary substitute teachers list of
16 Crawford Central School District. And that is --
17 What is it, 17? Seventeen (indicating).

18 I ask the Court Reporter to insure that they
19 are all of the documents that have been offered and
20 marked by the plaintiff and be incorporated and made
21 a part of the record, okay.

22 MS. WAGNER: Mr. Nichols?

23 MR. NICHOLS: Yes.

24 MS. WAGNER: Just one question on this
25 elementary substitute teacher list. I have pages

1 other than for May of 2005. It goes back to 2004.

2 And the earliest is, on my copy, is August 11th,
3 2004.

4 MR. NICHOLS: August 11th, 2004. I'm
5 referencing what is shown on the very first page at
6 the top, the caption, elementary substitute teacher
7 list.

8 MS. WAGNER: Yes.

9 MR. NICHOLS: And the date of May 23rd,
10 2005.

11 MS. WAGNER: Right.

12 MR. NICHOLS: I'm referencing that date.

13 MS. WAGNER: Okay.

14 MR. NICHOLS: It may well include other
15 dates, but that is the date which I -- which I'm
16 referencing for this purpose.

17 MS. WAGNER: Thank you.

18 MR. NICHOLS: Okay.

19 (At which time, Plaintiff's
20 Exhibits Nos. 10, 11, 12, 13, 14,
21 15, 16 & 17 were marked for purposes
of identification.)

22 BY MR. NICHOLS:

23 Q. Okay, a few more questions, Mr. Wright and
24 we'll let you go.

25 When official documents are lost, misplaced or

1 unaccounted for, is that routinely brought to the
2 attention of the board?

3 MR. KUHAR: I object to the question in
4 that it's vague. But if you can feel that you can
5 try to answer it, feel free.

6 A. I would say, no.

7 Q. It's not. That would not be a matter --

8 A. It would be a routine administrative matter.

9 Q. All right. Are you familiar with the policy
10 which governs the hiring of teachers on the basis of
11 emergency substitute certification?

12 A. Yes.

13 Q. You are. What is your understanding of that
14 policy?

15 A. It was put in as somewhat of an emergency
16 procedure. The IU qualifies people on a short training
17 basis to fill in when we don't have certified teachers
18 available for specific slots.

19 Q. Are you saying the -- You refer to the --

20 A. IU.

21 Q. IU?

22 A. The IU trains and certifies these people as
23 adequate fill-in as guest teachers.

24 Q. Okay.

25 A. And it was because we didn't have enough

1 certified substitutes available to --

2 Q. What year are we talking about? What period
3 are we talking about?

4 A. I think it was fairly difficult last year and
5 it hasn't gotten better.

6 Q. And you say the IU certification, is that --
7 Where does the IU -- I'm asking you, do you know where the
8 IU derives this authority to certify teachers?

9 A. Well, again certification may be the wrong word
10 because these people aren't certified. My understanding,
11 but for an emergency, the Department of Education
12 authorized them to bring these people into a position
13 where they can cover the classroom.

14 Q. Do I understand you to say that the IU -- that
15 the Department of -- the Pennsylvania Department of
16 Education authorized the IU to certify you say in the case
17 of an emergency; is that correct?

18 A. That's my understanding.

19 Q. That's your understanding. Do you know -- You
20 mentioned the year 2004, the class year 2004-2005 there
21 was a increased need for substitute teachers, increased
22 need; is that correct?

23 A. There must have been occasions where we didn't
24 have enough to cover.

25 Q. Do you know how many people --

1 A. We covered them with administrative personnel
2 in those cases.

3 Q. Do you know how many teachers may have been
4 certified by way of the IU process that you referred to?

5 A. No, because they come to us in small increments
6 and they resign in small increments, so they come and go.

7 Q. Okay. I noticed that Mr. Dolecki signed off on
8 the program agreement with the IU -- The consortium
9 arrangement with IU. Okay. He administers that, that
10 function?

11 A. We have a lot of contracts with the IU. They
12 have provided us with various services, and Sean signs off
13 on some of them. He's our finance director. But any
14 agreement with the IU would be in writing.

15 MR. NICHOLS: Okay, just a minute.

16 (Off-the-record discussion.)

17 BY MR. NICHOLS:

18 Q. Are you familiar with the anti-nepotism policy?

19 A. I know -- I know that it exists, and I did look
20 at it, it's in the policy manual. The policy manual,
21 again, is this thick (indicating). I don't read it
22 routinely. I went through it all and I know what's in the
23 index, and I can use it as a reference. But that it would
24 come up in there was an issue --

25 Q. Has it ever come before the board as an issue?

1 MR. KUHAR: The policy, is that what
2 you're asking?

3 MR. NICHOLS: The implementation of the
4 policy.

5 A. I'm trying to recall. Not often. There may
6 have been a case or two.

7 Q. You say it's a part of the manual?

8 A. The board --

9 Q. You referred to --

10 A. -- The board policy manual.

11 Q. It's a policy, being a part of that --

12 A. Right.

13 Q. -- Board policy? How is it implemented? How
14 is that policy implemented by the administration then? I
15 a presume the administration implements it?

16 A. They do.

17 Q. But do you know how it's implemented?

18 A. The only thing that I'm familiar with is the
19 part that specifies that if my daughter, for example,
20 wanted to teach in this system, the board would have to be
21 unanimous in approving her. That would be an exception.

22 Board members relatives can only be hired -- And
23 you'd have to prove an exceptional circumstance that you
24 needed this person or in general the board would say, we
25 can't hire your daughter.

1 Q. It also hires the substitute teachers; does it
2 not?

3 A. I would think --

4 MR. KUHAR: I object to the form of the
5 question. When you say it also applies to teachers,
6 I thought his example just included a teacher.

7 BY MR. NICHOLS:

8 Q. You were referring to your daughter as a
9 teacher?

10 A. Right.

11 Q. Teaching staff?

12 A. Yeah.

13 Q. Well, my question is, does the anti-nepotism
14 policy apply to the hiring of teachers?

15 A. I only deal with it as it applies to the board.
16 Again, the board members are only effected by their
17 relatives.

18 Q. Right.

19 A. The policies that applies to teachers would be
20 an administrative matter.

21 Q. As I read the policy, it said generally -- As I
22 understand it, just a -- Is that where there is a relation
23 by blood or marriage, you know, there is this requirement
24 that there be, as you say, a vote by the board, but it
25 must be certain scrutiny, you know, as I understand it.

1 I'm asking you now -- maybe you don't know -- in
2 terms of how the administration implements it, in the
3 hiring decision of teachers?

4 A. Well, here again, the hiring of teachers
5 doesn't come to the board.

6 Q. No, no. What I'm asking, sir, is as I
7 understand the process, the teachers, that the initial
8 hiring -- I mean the recruitment, the screening of
9 candidates for teaching positions occurs with the
10 administration, right?

11 And then those that are recommended to be hired as
12 teachers are presented to the board for its final blessing
13 or approval; is that correct?

14 A. That's correct.

15 Q. The regulations I read requires the board
16 approves the hiring; is that correct?

17 A. Yes. Every month there's a list --

18 Q. So I mean the administration, Mr. Heller and
19 Mr. Dolecki, don't have the exclusive unilateral authority
20 to hire teachers under the existing regulations; is that
21 correct, that is the board's function?

22 A. They recommend it.

23 Q. Right, recommend.

24 A. Right.

25 Q. But that's different. The board has final

1 approval?

2 A. Right, and the board doesn't preside over
3 hiring coaches and so on. I don't think so. That's not
4 our job, that's their job.

5 They give us the recommendations and by and large
6 there are not objections to those. Sometimes there's
7 personal knowledge or something, but the legal criteria is
8 if it's a board members relative, we have to deal with it.
9 The rest of it is an administrative matter.

10 Q. Right. And I'm asking you -- And that's
11 because of the anti-nepotism policy, correct? When you
12 say you have to deal with, you're referring to the board,
13 right?

14 And when you say you have to deal with it, what are
15 you really telling us?

16 A. Here again --

17 MR. KUHAR: I object to the question that
18 it's compound. I don't think it's impermissible,
19 but you can break it into pieces.

20 BY MR. NICHOLS:

21 Q. I'm using your words, and I'm asking for
22 clarification. When you say -- These are your words I
23 think. Correct me if I'm wrong, you said if it's a
24 relative, then the board has to deal with it.

25 I'm asking you to further clarify that. What do you

1 mean when you say the board has to deal with it?

2 A. If it's a relative of a board member, the board
3 has to deal with that issue, we have to vote specifically
4 on that issue. If it's one of our relatives, the board
5 has to vote on it.

6 We don't vote on a specific individual service
7 worker and maintenance people and teachers that are hired.
8 We get a list of those recommended by the administration.

9 Q. Right, and you vote on it right?

10 A. Yes.

11 Q. I mean you approve or disapprove; is that
12 correct?

13 A. That's correct.

14 Q. You do approve or disapprove, okay. Let me ask
15 you this: Does the fact that Miss Wagner filed a lawsuit,
16 does that disqualify her for being further considered for
17 a teaching position?

18 A. No, I would think -- Again, I'm not sure that
19 it's helpful.

20 Q. Would you hold it against her?

21 A. If I wanted a paid job at the school district,
22 I wouldn't sue them as a place to start.

23 Q. Would you hold it against her knowing now that
24 you know that she's filed a lawsuit, that's a matter of
25 record, would you -- And her application coming through

1 and in these two positions here most recently
2 (indicating), would you hold that against her?

3 A. Here again, we wouldn't make that decision.

4 Q. I -- I understand. I'm saying when the
5 application comes to you for approval, would you hold that
6 fact against her?

7 A. The application wouldn't come to us for
8 approval.

9 Q. It doesn't come to the board for approval? I
10 thought it did.

11 MR. KUHAR: Wait a minute, you're saying
12 application. He's thinking -- He wants to know if
13 the administration recommended Miss Wagner's hire,
14 would you hold against her, the fact that she
15 had filed this lawsuit?

16 MR. NICHOLS: Right.

17 A. Oh, if the administration recommended hiring
18 her, I'm sure the board would go along with it. I would
19 go along with it. I mean the board, by and large when it
20 comes to teachers, hires the people that the
21 administration recommends.

22 Q. Always?

23 A. Always.

24 Q. How about the instances where people are hired
25 without the recommendation of the administration?

1 A. Um --

2 Q. Do you know of those instances?

3 A. I can't think of an instance that that would
4 apply, with the exception of the superintendent. We hire
5 the superintendent.

6 Q. Right, I understand that.

7 A. Nobody recommends that to us, we recommend who
8 we want ourselves.

9 Q. Right.

10 A. But other than that, they're not going to send
11 us somebody that they don't recommend. I'm not sure I
12 understand --

13 MR. KUCHAR: I think he's answered it. If
14 you want -- If there's a different -- Or if you
15 don't think he has, go ahead, but --

16 MR. NICHOLS: Well that's that. We could
17 pursue this -- I can pursue this in another line
18 with someone else.

19 BY MR. NICHOLS:

20 Q. Just another question. Does the union -- And
21 I'm referring to the Crawford Central Education
22 Association, does the union have any input in the hiring
23 of teachers?

24 A. Only so far as they negotiate the contract, and
25 then we both abide by the contract.

1 Q. Is there any point at a time at the early
2 stages when applicants or candidates for teaching
3 positions are screened, where the union has input or
4 influence or participates on committees in the hiring and
5 screening -- screening of candidates, that's what I should
6 say?

7 A. Here again, that's not a board function. We
8 have --

9 Q. I didn't ask you that.

10 A. We have --

11 Q. I didn't ask you that at all, sir. I'm asking
12 again, if you know? Do you know?

13 MR. KUHAR: If you know.

14 BY MR. NICHOLS:

15 Q. Do you know if the union participates in the
16 hiring process, at any step from the beginning, commencing
17 with the -- commencing with the receipt of the
18 application, does the union participate at any juncture?

19 MR. KUHAR: To your knowledge.

20 BY MR. NICHOLS:

21 Q. Up to and including when it's submitted to the
22 board for its final blessing or approval or disapproval?

23 MR. KUHAR: To your knowledge.

24 A. Well, let me say this because I don't want to
25 leave anything out. The union is sometimes represented in

1 our interview process with senior management --

2 Q. And that --

3 A. -- Because the board sometimes participates --

4 Q. Would that be -- Now, would that be on a
5 committee?

6 A. Yes.

7 Q. And the name of that committee?

8 A. It's an ad hoc committee for each position.

9 Q. Okay. And the union would set as a member, sit
10 as a member and participate -- Some member of the union
11 would sit and participate as a member on that committee,
12 right?

13 A. It's only management positions.

14 Q. I'm talking about teaching positions.

15 A. I don't know.

16 Q. You don't know.

17 MR. NICHOLS: All right, just give me a
18 moment here, okay.

19 (Off-the-record discussion.)

20 BY MR. NICHOLS:

21 Q. One last question, Mr. Wright, and we'll get
22 you gone. I know we're beyond this, but this is important
23 to us, important to my client. I think I posed this
24 question before, but I want your honest opinion. You can
25 give your honest opinion, okay.

1 Are you satisfied with the present state of affairs
2 of the -- Do you think that the school district -- Are you
3 satisfied with the present efforts of the school district
4 in hiring the teaching staff and comply with the civil
5 rights laws or are you not, are you dissatisfied?

6 A. You said efforts. I'm saying --

7 Q. Let's just address efforts.

8 A. I'm satisfied with the efforts that the school
9 board has made in this area. And they certainly have to
10 comply with the law.

11 MR. KUHAR: Did you mean school board?

12 THE WITNESS: No, the school district.

13 MR. KUHAR: Okay, I think you said school
14 board.

15 THE WITNESS: I'm sorry.

16 MR. KUHAR: Did you mean administration?

17 MR. NICHOLS: He said --

18 MR. KUHAR: I was asking if he meant
19 school board when he said --

20 MR. NICHOLS: I'm talking about both.

21 MR. KUHAR: Okay.

22 BY MR. NICHOLS:

23 Q. I make a distinction of the school board upon
24 which you sit and the school district, the school district
25 being a different legal entity.

1 MR. KUHAR: Do you mean the
2 administration?

3 MR. NICHOLS: Excuse me?

4 MR. KUHAR: Do you mean the
5 administration?

6 MR. NICHOLS: No. Let me clarify for the
7 record.

8 BY MR. NICHOLS:

9 Q. The school -- As I understand it when I first
10 posed the question, for whom does Mr. Heller and Mr.
11 Dolecki work, and you say they work for the board. True.
12 I don't question that.

13 Then I asked you, but don't they -- aren't they also
14 employed by the school district? And the school
15 district's being a legal entity like a corporation, if you
16 will, they are paid by the school district. And you said,
17 yes.

18 I make a distinction between the board for legal
19 purposes and liability purposes and the school district.
20 Now you asked me a question about the administration --

21 MR. KUHAR: I didn't ask any questions.

22 MR. NICHOLS: What did you mean when you
23 say administration?

24 MR. KUHAR: I was trying to keep the
25 record straight. You had asked Mr. Wright whether

1 he was satisfied with the efforts of whom?

2 MR. NICHOLS: I referred to both the
3 school board and the school district.

4 MR. KUHAR: Okay.

5 MR. NICHOLS: Both.

6 MR. KUHAR: I object to the question on
7 the grounds that I think it's vague. I don't
8 understand the distinction. I understand the
9 distinction between the school board and the school
10 administration, but I don't understand the
11 distinction between the school district and the
12 school board.

13 In any event, the question has become pretty
14 mired down, so I perhaps maybe you want to re-ask
15 it from scratch.

16 MR. NICHOLS: No, I was asking him the
17 question is he satisfied or is he dissatisfied with
18 the present state of the effort -- of the diversity
19 problem that we face in these lawsuits that are
20 coming down in court.

21 MR. KUHAR: Okay, now to the extent you're
22 asking him about his opinion of the lawsuits, I
23 object for the same reasons I objected to your other
24 questions about the lawsuits.

25 And by the way, that wasn't your question that

1 | you asked a minute ago that I was encouraging you to
2 | re-ask. You had asked about the efforts of
3 | somebody. Was he satisfied or not satisfied with
4 | the efforts of somebody to achieve minority --

5 MR. NICHOLS: I was referring to the
6 responsible offices of government, and this is a
7 government. And when I said -- When I'm talking
8 about satisfactory, satisfied with the efforts of
9 whom, I would have to be referring to those who
10 would be in a responsible position.

11 MR. KUHAR: Well --

12 MR. NICHOLS: We don't have to debate
13 because that's not helpful, because it was just for
14 clarification purposes.

15 I wanted to delineate for the record the board
16 on the one hand as a entity, the school district as
17 another, and Mr. Heller and Mr. Dolecki as the
18 administrators, the administration, and that they --
19 you work for both, and that you pay -- Well, you're
20 not paid by the board, the administrators are paid
21 by the school district.

22 MR. KUHAR: Okay. I was trying to assist
23 you in trying to get an answer out of this deponent.

24 MR. NICHOLS: Right.

25 MR. KUHAR: You're right, I don't want to

1 debate the overlapping of these entities.

2 But it doesn't matter because this is an
3 opportunity for you to get information from Mr.
4 Wright. I was just trying to assist you -- Frankly,
5 I think he gave an incorrect answer by mistake and I
6 was asking him whether he heard the question
7 properly.

8 And I want you to finish -- I want you to get
9 your answer to your question, okay. I'm not trying
10 to get in the middle of this or debate it.

11 BY MR. NICHOLS:

12 Q. Did you understand me, Mr. Wright?

13 A. No, I need the question clarified. Tell me
14 again what you want me to evaluate.

15 Q. I want -- let's try it again, okay. And this
16 is the -- I would have no further questions after this, on
17 this.

18 Right now on this occasion, in view of the lawsuits,
19 Miss Wagner coming to you asking for your help to help her
20 get a job, over a span of time now, what do you have -- do
21 you wish to share your feelings with us as to the state of
22 affairs of the -- call it school district, school board
23 and you as a responsible officer of this local entity, do
24 you have an opinion you wish to share with us?

25 MR. KUCHAR: Okay, I object to the

1 question in that the first part of it asked whether
2 or not he wanted to express his feelings, which I
3 think is an impermissible question.

4 And the second part was a question about
5 whether he had an opinion he wanted to share, and I
6 object to both of them in that the questions are
7 improperly vague.

8 Mr. Nichols, I'm not trying to get in the way
9 if you want to know whether he's satisfied with the
10 administration's recruitment efforts for minorities,
11 that's fine, ask him.

12 BY MR. NICHOLS:

13 Q. Are you satisfied with the recruitment efforts
14 for minorities?

15 A. That's the question?

16 Q. Can you respond to that?

17 A. I would say yes.

18 MR. NICHOLS: Okay.

19 MS. WAGNER: I have one question.

20 MR. NICHOLS: Okay.

21

22 CROSS-EXAMINATION

23

24 BY MS. WAGNER:

25 Q. Mr. Wright, as a school board member, what if

1 any personal involvement have you had with hiring
2 teachers?

3 A. None.

4 MS. WAGNER: Thank you.

5 MR. KUCHAR: I just have a couple.

6

7 DIRECT EXAMINATION

8

9 BY MR. KUCHAR:

10 Q. Mr. Wright, when you were in your undergraduate
11 studies, was it DePauw?

12 A. (Nodding head affirmatively.)

13 Q. When were you there, were African Americans
14 permitted in fraternities?

15 A. No, they were not.

16 Q. Were they permitted in a social organization
17 other than a fraternity?

18 A. Only one.

19 Q. What was it called?

20 A. It was called Men's Hall Association, I was the
21 president.

22 Q. Why did you choose to be in that organization?

23 A. Because it was nondiscriminatory. I was active
24 in the civil rights movement at that time.

25 Q. Were there any African American female students

1 at DePauw when you attended?

2 A. There were none.

3 Q. Was there ever a move to try to recruit some or
4 one?

5 A. Yes, our organization led that effort.

6 Q. Explain.

7 A. The administration seemed to try to discourage
8 each African American woman applicant on the basis that
9 she would be the first, and would have an awkward social
10 position.

11 So, what we did to make them feel welcome was set up
12 a scholarship specifically for that group, which may be
13 illegal today, but that was before the civil rights law
14 passed.

15 Q. What time frame are we talking?

16 A. 1950 to '54 period is when I was on campus.

17 Q. Did you have any success in recruiting African
18 American females?

19 A. We did. It took two years after I was gone. I
20 was active in the alumni organization, and I met the first
21 one we brought to the campus. And she graduated.

22 MR. KUHAR: Thank you. Thank you very
23 much. I have no further questions.

24

25 RECROSS-EXAMINATION

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BY MR. NICHOLS:

Q. You have recruited -- recruit minority for the school district; is that correct?

MR. KUCHAR: Are you talking about this school district?

MR. NICHOLS: Yeah.

BY MR. NICHOLS:

Q. Mr. Wright?

A. No.

Q. You haven't engaged in recruitment effort since you've been with the school district?

A. We don't -- We don't do recruiting on the board.

Q. I thought I understood from that tape -- On that tape when you talked to the radio commentators that day they asked you about recruitment efforts. They seemed to look to you to speak to those issues. And they said they called you before about these issues, and recruitment and difficulty.

MR. KUCHAR: What's the question?

BY MR. NICHOLS:

Q. Well, I'm saying -- You say now you have never been involved in this here. But on that tape, that radio commentator called you, he said he wanted to ask you

1 because he looked to you as someone who could speak to
2 these issues.

3 MR. KUCHAR: What's the question?

4 BY MR. NICHOLS:

5 Q. The question is, the recruitment -- Have you
6 engaged in recruitment efforts?

7 MR. KUCHAR: He answered that.

8 MR. NICHOLS: You have not?

9 MR. KUCHAR: Yes, he said he was not
10 involved.

11 MR. NICHOLS: He said he was not involved?

12 MR. KUCHAR: He said he was not involved.

13 BY MR. NICHOLS:

14 Q. Since you've been a member of the school board
15 of this district, right?

16 A. In -- Right, I have not been involved in
17 recruiting teachers or minority teachers.

18 Q. Okay. You know, when you talked to Miss Wagner
19 and she wrote you, you knew of her ethnicity, didn't you?
20 You knew she was of Asian decent, and Filipino by national
21 origin? You knew that?

22 MR. KUCHAR: I object. I thought she said
23 in the complaint she was a Pacific Islander as
24 distinguished from Asian.

25 MR. NICHOLS: No, she's a minority, a

1 protected class.

2 MR. KUHAR: I know, but you're question is
3 based on an error, that's what I'm objecting to.

4 MR. NICHOLS: You can answer the question.
5 He is trying to make a difference without a
6 distinction. You can answer the question.

7 BY MR. NICHOLS:

8 Q. You knew she was a minority, didn't you?

9 A. Well, of course. I mean particularly after I
10 met her and talked with her, but I didn't have any
11 distinction with that.

12 MR. NICHOLS: Okay. All right, thank you,
13 Mr. Wright, for appearing.

14 MR. KUHAR: Do you have any others?

15 MS. WAGNER: No.

16 MR. KUHAR: I don't have any others. We
17 will review.

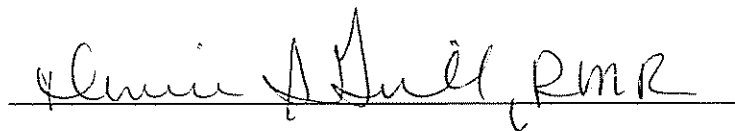
18 MR. NICHOLS: I don't have any more
19 questions.

20 MR. KUHAR: You're done, thank you very
21 much.

22 (At which time, 3:00 p.m., the
23 deposition was concluded, and
24 signature of the deponent was
25 not expressly waived.)

C E R T I F I C A T I O N

I, Denice A. Grill, RMR, a Court Reporter and
Notary Public in and for the Commonwealth of Pennsylvania,
do hereby certify that the foregoing is a true and
accurate transcript of my stenographic notes in the
above-captioned matter.

A handwritten signature in cursive script, reading "Denice A. Grill, RMR", is written over a horizontal line.

Denice A. Grill, RMR
Registered Merit Reporter

DATED: 10-2-05

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SIGNATURE PAGE

I, GEORGE WRIGHT, have read the foregoing transcript of my deposition, and affix my signature in approval of the correctness of my statement, except for corrections noted on the amendment page.

George Wright

Dated: _____

Corrections Noted on Amendment Page

Yes _____

No _____

AMENDMENT PAGE

PAGE	LINE	CORRECTION
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